

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: Youssou Diagne

Debtor

FV-1 Inc. in trust for Morgan Stanley  
Mortgage Capital Holdings LLC

Movant

vs.

William C. Miller, Trustee  
Youssou Diagne

Respondents

Chapter 13

Bankruptcy No. 16-14053-ELF

**OBJECTION TO PLAN**

FV-1 Inc. in trust for Morgan Stanley Mortgage Capital Holdings LLC ("Creditor") is a secured creditor of the above Debtor and by its counsel hereby objects to the Debtor's Chapter 13 Plan ("Plan") as follows:

1. Creditor is in the process of filing a Proof of Claim with respect to its secured interest in real property of the Debtor or of the estate which is commonly known as and located at 6629 Akron Street, Philadelphia, Pennsylvania 19149 ("Property"); such Proof of Claim will indicate a principal balance in the amount of \$127,392.00, and an estimated arrearage claim in the amount of \$16,112.98. The claims bar date has not been set.

2. The Plan proposes to pay \$13,000.00 towards Creditor's arrearage claim; accordingly, the Plan does not provide for the full value of Creditor's claim. A copy of the Debtor's Chapter 13 Plan is attached hereto as Exhibit A.

3. The Property is the primary residence of the Debtor.

4. The provisions of 11 U.S.C. § 1322(b)(2) prohibit debtors from modifying,

through the Plan, the rights of secured creditors holding an interest in real property secured only by a Debtor's principal residence. To the extent the Plan attempts to do so, it cannot be confirmed.

5. The Plan violates the provisions of 11 U.S.C. § 1325(a)(3) and 11 U.S.C. § 1325(a)(5)(B)(ii) to the extent that it fails to provide Creditor with the full value of its claim.

WHEREFORE, for the foregoing reasons, FV-1 Inc. in trust for Morgan Stanley Mortgage Capital Holdings LLC requests that an Order be entered denying confirmation of the Chapter 13 Plan and for such other and further relief as is just.

/s/ Celine P. DerKrikorian  
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